

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LAS VEGAS SANDS CORP.,

Plaintiff(s),

v.

FIRST CAGAYAN LEISURE & RESORT
CORPORATION,

Defendant(s).

Case No. 2:14-CV-424 JCM (NJK)

ORDER

Presently before the court is plaintiff Las Vegas Sands Corporation's motion to dismiss its claims against defendant First Cagayan Leisure & Resort Corporation with prejudice and without an award of attorney's fees or costs to any party. (ECF No. 59). Defendant has filed a response, (ECF No. 70) and plaintiff has filed a reply (ECF No. 74).

Federal Rule of Civil Procedure 41(a)(2) allows a plaintiff to voluntarily dismiss a claim by court order "on terms that the court considers proper," with attention to whether "a defendant has pleaded a counterclaim before being served with the plaintiff's motion to dismiss" Previously, defendant had filed a counterclaim against plaintiff and has since stated in its response to the present motion that it does not oppose voluntary dismissal of plaintiff's claims if it could pursue its counterclaim against plaintiff. (ECF Nos. 57, 70). That counterclaim has since been dismissed. (ECF No. 87). Therefore, the present motion to dismiss is the only justiciable motion remaining in this case.

Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), this court will grant the plaintiff's motion to dismiss its claims with prejudice and without an award of attorney's fees or costs to any party. (ECF No. 59).

Accordingly,

1 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion to
2 dismiss (ECF No. 59) be, and the same hereby is, GRANTED.

3 IT IS FURTHER ORDERED that defendant's motion for leave to file a surreply (ECF No.
4 69) be, and the same hereby is, DENIED as moot.

5 The clerk shall enter judgment accordingly and close the case.

6 DATED September 22, 2016.

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UNITED STATES DISTRICT JUDGE